

1
2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 JERMAINE DEVON WATKINS,

7 Plaintiff,

8 v.

9 CATHERINE M. BAUM and
10 ELIZABETH G. SUITER,

11 Defendants.

NO. C11-5494 RBL/KLS

**ORDER GRANTING MOTION TO
FILE AN AMENDED COMPLAINT**

12 Before the Court is Plaintiff's Motion to Amend Complaint. ECF No. 20. Plaintiff
13 seeks to add five defendants. He claims that these individuals were deliberately indifferent to
14 his serious medical needs. *Id.* Defendants do not oppose Plaintiff's motion. ECF No. 21.

15 **DISCUSSION**

16 Pursuant to Rule 15(a)(1) of the Federal Rules of Civil Procedure, "[a] party may
17 amend its pleading once as a matter of course within (A) 21 days after serving it, or (B) if the
18 pleading is one to which a responsive pleading is required, 21 days after service of a
19 responsive pleading or 21 days after service of a motion under Rule 12(b), (e) or (f),
20 whichever is earlier." Otherwise, the party "may amend the party's pleading with the
21 opposing party's written consent or the court's leave. The court should freely give leave
22 when justice so requires." Fed. R. Civ. P. 15(a)(2).
23

24 Therefore, Plaintiff shall be allowed to file an amended complaint to add the proposed
25 Defendants and proposed claims against the named Defendants. Plaintiff is advised that an
26

1 amended complaint supersedes the original, the latter being treated thereafter as nonexistent.
2 *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir.1987) (“All causes of action alleged in an original
3 complaint which are not alleged in an amended complaint are waived.”); *Marx v. Loral Corp.*,
4 87 F.3d 1049, 1055 (9th Cir.1996). Plaintiff must include all of his factual allegations, legal
5 claims, and requests for relief in his amended complaint and reference to another document is
6 not an acceptable amendment.
7

8 Accordingly, it is **ORDERED**:

9 (1) Plaintiff’s Motion to Amend (ECF No. 20) is **GRANTED**. Plaintiff shall file
10 his Amended Complaint with the Court and shall serve a copy of the Amended Complaint on
11 counsel for Defendants **on or before February 3, 2011**. Plaintiff shall also provide service
12 copies of his Amended Complaint and service addresses for the newly named Defendants so
13 that the Court may direct service of his Amended Complaint on the newly named Defendants.
14

15 (2) The Clerk shall send a copy of this Order to Plaintiff and counsel for
16 Defendants.

17 **DATED** this 3rd day of January, 2012.

18
19 
20 Karen L. Strombom
21 United States Magistrate Judge
22
23
24
25
26